



RULES GOVERNING THE CONDUCT OF CLERKS FOR THE BLUE LAKE RANCHERIA TRIBAL COURT

Section 11.1.1.040C.1(a) of the Tribal Court Ordinance of the Blue Lake Rancheria ("Tribe") authorizes the Chief Judge of the Tribal Court, in consultation with the Tribal Council of the Tribe, to "promulgate rules of pleading, practice, and procedure applicable to any and all proceedings of the Tribal Court." The following rules are adopted to govern the conduct of Tribal Court Clerks in the administration and performance of their duties for the Court.

These rules shall govern the conduct of the Tribal Court Clerk and all deputy clerks in the performance of their duties for the Tribal Court of the Tribe.

CHAPTERS:

- 01 Duties of Clerk
- 02 Impropriety or Appearance of Impropriety
- 03 Extra-Official Activities
- 04 Statement of Economic Interests

Chapter 1

Duties of Clerk

Rule:

- 01 Assist Chief Judge in managing the Court
- 02 Assist Tribal Members and others in accessing the Court
- 03 Prepare Court dockets, documents and forms
- 04 Record-keeping and accounting
- 05 Administering oath to witnesses
- 06 Standards of Performance for duties

Rule 1: Assist Chief Judge in managing the Court. The Tribal Court Clerk shall assist the Chief Judge in managing all cases, creating rules of procedure, creating forms and other documents, and suggesting creation or amendment of ordinances to govern the areas of Tribal Court jurisdiction.

Rule 2: Assist Tribal Members and others in accessing the Court. The Tribal Court Clerk represents the Court to Tribal Members, Tribal Council, Tribal staff, law enforcement officers, members of other governments, tribes, and the public. The Clerk shall assist all persons who come to the Court in identifying the appropriate rules, forms and procedures and shall consult the Chief Judge or an associate judge with regard to interpretation of the rules and the application of correct procedure. The Court Clerk shall not provide legal advice, but may direct attention to appropriate tribal ordinances or adopted court rules.

Rule 3: Prepare Court dockets, documents and forms. The Court Clerk shall prepare and timely serve all summons, warrants, notices of hearing and Orders to Show Cause as specified in any laws of the Tribe and the rules

of the Court. The Court Clerk shall prepare Tribal Court dockets for hearings of the civil, juvenile and small claims courts, prepare and serve written orders as directed by a judge of the Court. For every case filed in Tribal Court, the Clerk shall open a case file, assign a case number and create a case docket for filing of documents as specified in the relevant Tribal Court Rules of Procedure. Under the supervision of the Chief Judge the Court Clerk shall create and amend forms and instructions for use in Tribal Court. The approved forms shall be kept on computer file and a hard copy shall be kept in the Clerk's handbook for reference and to prepare copies for provision to persons using the Court.

Rule 4: Record-keeping and accounting. The Tribal Court Clerk or a deputy shall attend all sessions of Tribal Court and shall make a taped record of each session which is properly labeled and archived with the date, case number, and case name, and shall prepare and maintain minutes of each court proceeding. The Clerk will provide a receipt of all monies collected in Court fees and promptly (within 24 hours) deposit said monies with the Tribal Accounting Department. The Accounting Department shall provide a receipt of all monies so deposited and that receipt shall be attached to the Court receipt book so that a complete record is maintained of all monies deposited with the Court. A cash collection record shall be maintained with a log entry for every receipt of monies by the Clerk.

Rule 5. Administering oaths to witnesses. The Tribal Court Clerk shall swear all witnesses in any hearing in Tribal Court and shall mark for identification all items offered as evidence in a proceeding and as an exhibit, if admitted into evidence by the judge presiding over the proceeding. All exhibits entered into the record at a hearing shall be marked for the party submitting the exhibit and shall be numbered or lettered sequentially. Ordinarily, all exhibits offered by a plaintiff or moving party shall be marked with letters. All exhibits offered by a defendant or opposing party shall be marked with numbers.

Rule 6. Standards of Performance. The official duties of the Clerk shall include all those duties listed above and any other duties of the office prescribed by law, or by order of the Tribal Court. In the performance of these duties, the following standards shall apply:

- (a) The Clerk shall at all times respect and comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary and the Clerk's office;
- (b) The Clerk shall be patient, dignified, courteous, and fair to all persons dealt with in an official capacity and shall require similar conduct of subordinate staff and others under the direction and control of the Clerk;
- (c) The Clerk shall diligently discharge the responsibilities of the office of the Tribal Court Clerk, be faithful to the highest standards of the profession and maintain professional competence.
- (d) The Clerk shall in the performance of his/her duties bear in mind the Clerk's obligations to the general public and legal profession by treating all persons who come in contact with the Clerk's Office fairly and courteously.

Chapter 2

Impropriety or Appearance of Impropriety

Rule:

- 07 Avoid Impropriety or Appearance of Impropriety
- 08 Prohibited Conduct; Sexual harassment
- 09 Prohibited Conduct; Practice of Law
- 10 Prohibited Conduct; Favoritism of Staff
- 11 Acceptance of Gifts
- 12 Non-Disclosure of Confidential Communication
- 13 Undue Influence

Rule 7. Avoid Impropriety or Appearance of Impropriety. The Court Clerk shall not engage in any activities which are reasonably likely to be perceived as improper.

- (a) The Clerk shall not:
 - (1) Use the position of the office for his/her own personal gain;
 - (2) Allow family, social or other relationships to influence his/her official conduct or judgment;
 - (3) Lend the authority or prestige of the Clerk's Office to advance the private interests of others;
 - (4) Convey or assist others to convey the impression that they or anyone else is in a special position to influence the Clerk.

Rule 8. Sexual harassment.

- (a) The Clerk shall not make unwanted sexual advances, comments, or innuendos that would constitute sexual harassment.
- (b) The Clerk shall not sexually harass any tribal staff, attorney, party, or witness.

Rule 9. Practice of Law. The Clerk shall not give legal advice or otherwise engage in the practice of law while employed as a Clerk.

Rule 10. Favoritism of Staff. The Clerk shall not engage in favoritism or unfairness in the treatment of subordinate staff.

Rule 11. Acceptance of Gifts. Neither the Tribal Court Clerk nor a family member residing in the Clerk's household shall accept any gift, bequest, favor, or loan from any person whose interests have come or are likely to come before the Clerk in the performance of his/her official duties as Tribal Court Clerk, or from any other person under circumstances which might reasonably be regarded as influencing the performance of the duties of the office. The Clerk shall report the value of any gift or bequest, other than from a relative of the first degree by blood, marriage, or custom, in the same manner compensation is reported under Rule 15(B) of these Rules.

Rule 12. Nondisclosure of Confidential Communications. The Clerk shall abstain from public comment about a pending or impending proceeding in Tribal Court, and shall require all court personnel or staff to similarly abstain. The Clerk shall not disclose to any person any confidential information received in the course of official business, nor shall such information be used by the Clerk for personal gain.

Rule 13. Undue Influence. The Clerk shall not influence or attempt to influence the outcome or assignment of any case or perform any discretionary or ministerial function of the Court in a manner which improperly favors or disfavors any litigant, party, witness or attorney, nor imply that the Clerk is in the position to do so. The Clerk shall resist all attempts by any Tribal Member, Council Member, Tribal Staff, party or witness to apply undue influence in the Clerk's performance of his/her duties as Clerk including any attempt to censor the Clerk's advocacy for and/or defense of the Court and the judiciary. The Clerk shall promptly report any such attempt at undue influence to the Chief Judge of the Tribal Court and/or to the members of the Business Council.

Chapter 3

Extra-official Activities; Statement of Economic Interests

Rule:

- 14 Extra-Official Activities
- 15 Report of Economic Interests
- 16 Political Activity

Rule 14. Extra Official Activities. The Clerk shall not engage in any activity which poses or gives the appearance of posing a conflict of interest with the official duties of the office of the Tribal Court Clerk.

- (a) Vocational Activities. A Clerk may write, lecture, teach, and speak, and may engage in arts, sports, and other social and recreational activities, if such activities do not violate the duties of the position, specifically confidentially, detract from the dignity of the office, interfere with the performance of official duties, or adversely reflect on the operation and dignity of the Court.
- (b) Civic and Charitable Activities. A Clerk may participate in civic and charitable activities that do not detract from the dignity of the office or interfere with the performance of the official duties of the Clerk. A Clerk may serve as an officer, director, trustee, or advisor of a civic or charitable organization and solicit funds for any such organizations, subject to the following limitations:
 - (1) The Clerk shall not use or permit to be used the prestige of the Clerk's Office in the solicitation of funds;
 - (2) The Clerk shall not solicit funds from subordinate staff to contribute to or participate in any civic or charitable activity directly, but may call their attention to a general fund-raising campaign or event, and
 - (3) The Clerk shall not solicit funds from any lawyer, witness, or other person who the Clerk has come to know as a result of that lawyer, witness, or person coming before the Court.

Rule 15. Report of Economic Interests. The Clerk shall not perform or be involved in the performance of any of the duties of the Clerk with respect to any case in which the Clerk knows or has reason to know he/she has a financial interest. Immediately upon determining that he/she has a financial interest in the outcome of a case the Clerk shall report that fact to the Tribal Court Judge assigned to the case who shall immediately assign the case to a deputy clerk or subordinate staff who shall fulfill the Clerk's duties with respect to that case until a final order or judgment is entered disposing of the case.

(a) A Clerk may receive compensation and reimbursement of expenses for quasi-official and extra-official activities permitted by these rules provided the source of such payments does not influence or give the appearance of influencing the Clerk in the performance of his/her official duties or otherwise give the appearance of a conflict of interest.

(1) Compensation. A Clerk shall not receive or accept compensation for quasi-official or extra official activities beyond a reasonable amount or beyond that normally received by others for performing the same duties or functions.

(2) Expense Reimbursement. A Clerk shall not receive or accept any expense reimbursement except the actual cost of travel, food, and lodging reasonably incurred by a Clerk and spouse, where appropriate to the occasion. Any payment in excess of such amount is compensation.

(b) Public Reports. The Clerk shall complete and file with the Chief Judge by January 15 of each year, a statement of economic interests listing for the previous 12 months: (1) the names of each person who has been a source of income of \$100.00 or more to the Clerk or his/her spouse; (2) the names of each person who has made a gift or contribution of cash value of \$100.00 or more to the Clerk or his/her spouse and (3) any ownership interest in any real property or interests therein of the Clerk or his/her spouse. The report shall remain confidential and shall only be used by the Chief Judge to determine if the Clerk has a financial interest in the outcome of any case before the Court. On January 15 of each year, the Chief Judge shall destroy the previous year's report filed by the Clerk.

Rule 16. Political Activity. While performing his/her duties, the Clerk shall not:

- (a) Make speeches for or publicly endorse a political organization, candidate, or event;
- (b) Solicit funds for or contribute to a political organization, candidate or event;
- (c) Become a candidate for Tribal political office; or
- (d) Engage in partisan political activities.

ORDER

These rules shall take effect and govern the conduct of all Tribal Court Clerks in the performance of their duties for the Tribal Court occurring on or after April 1, 2007.

/s/ Lester J. Marston
CHIEF JUDGE OF THE TRIBAL COURT

ATTESTED:

/s/ Elizabeth J. Jackson
CLERK OF THE COURT